



SECTOR 3

(3)

Attorney Docket: P04813US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GOGERTY, JOSEPH KEVIN GROUP ART NO: 1638  
SERIAL NO: 09/761,167  
FILED: January 12, 2001  
TITLE: HYBRID MAIZE PLANT & SEED 35Y54

**TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
ATTN: Box Missing Parts  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of an Application with filing date granted, enclosed please find the following documents:

- (1) In the specification, the missing page 27 was actually a blank and inadvertently numbered.
- (2) \$130.00 surcharge fee;
- (3) A copy of the Notice to File Missing Parts of Application.

If any additional fees are needed, please charge Deposit Account No. 26-0084.

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this paper and the documents referred to as enclosed are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231, on this 21 day of March, 2001.

  
Heidi S. Neder

Respectfully submitted,



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## UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/761,167	01/12/2001	Joseph Kevin Gogerty	PO4813USO PHI 1315

## CONFIRMATION NO. 4720

## FORMALITIES LETTER



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03/27/2001 CCHAU1 00000025 09761167

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Date Mailed: 03/12/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 27 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing

figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE